

JANICE MCCOY

MAY 16, 2012

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| <p style="text-align: center;">269</p> <p>1 Q. What was the characteristic of the changes</p> <p>2 Senator Fraser wanted to his district?</p> <p>3 MR. FREDERICK: Objection, legislative</p> <p>4 privilege. I'm instructing you not to answer.</p> <p>5 A. I'll assert privilege.</p> <p>6 Q. (By Mr. Dunn) All right. Earlier we asked, I</p> <p>7 asked you about discrimination in Texas. Are you aware</p> <p>8 of any courts in Texas finding that legislative acts</p> <p>9 have a discriminatory effect or purpose?</p> <p>10 A. Not specifically, no.</p> <p>11 Q. Are you aware that in this most recent</p> <p>12 redistricting cycle, a panel of judges in San Antonio</p> <p>13 unanimously found that parts of the redistricting plan</p> <p>14 in Texas either had a discriminatory effect or purpose?</p> <p>15 MR. FREDERICK: Object to the extent it</p> <p>16 assumes facts not in evidence.</p> <p>17 A. I didn't follow.</p> <p>18 Q. (By Mr. Dunn) You didn't follow?</p> <p>19 A. No, sir.</p> <p>20 Q. Did you follow the United States Supreme Court</p> <p>21 opinion in 2003 where a majority of that court found</p> <p>22 that Texas legislature had been racially discriminatory</p> <p>23 in redistricting?</p> <p>24 A. No, sir.</p> <p>25 Q. At least with respect to the legislators that</p> | <p style="text-align: center;">271</p> <p>1 Q. (By Mr. Dunn) All right. I'm going to move to</p> <p>2 a new topic. You spoke with Ann McGeehan about Senate</p> <p>3 Bill 14, if I recall?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And she was -- she left the Secretary of</p> <p>6 State's office, what, in January of this year, is that</p> <p>7 true?</p> <p>8 A. She left sometime this -- in the last couple of</p> <p>9 months. I don't know exactly when.</p> <p>10 Q. Have you had -- and the person that replaced</p> <p>11 her is a gentleman named Ingram, is that right?</p> <p>12 A. Keith Ingram. Yes, sir.</p> <p>13 Q. Keith Ingram. Have you spoken with him at all</p> <p>14 about Senate Bill 14's implementation?</p> <p>15 A. About Senate Bill 14's implementation. I</p> <p>16 talked -- I don't recall. I know I think I've talked to</p> <p>17 him. I don't know if it's specifically about Senate</p> <p>18 Bill 14.</p> <p>19 Q. Turning back to Ms. McGeehan, did she testify</p> <p>20 in either the House or the Senate committee as a whole</p> <p>21 on Senate Bill 14?</p> <p>22 A. She testified on Senate Bill 14, yes, in the</p> <p>23 Senate. Yes, sir.</p> <p>24 Q. Did she testify in favor or opposition to it?</p> <p>25 A. She testified on as a resource witness.</p> |
| <p style="text-align: center;">270</p> <p>1 passed Senate Bill 14, the vast majority of them were</p> <p>2 the same ones that passed the legislative redistricting</p> <p>3 in both 2003 and the most recent set; is that true?</p> <p>4 A. I'm sorry. I don't know the votes of</p> <p>5 redistricting in 2003. The votes of the redistricting</p> <p>6 bill in 2011, I think only two senators voted against</p> <p>7 it, and those two senators also voted against voter ID.</p> <p>8 MR. DUNN: All right. So I object to the</p> <p>9 responsiveness.</p> <p>10 Q. (By Mr. Dunn) I guess all I'm asking, though,</p> <p>11 is that the senators that voted in support of</p> <p>12 redistricting in 2011 were the same body of senators</p> <p>13 that voted on Senate Bill 14?</p> <p>14 MR. FREDERICK: Object to the extent it</p> <p>15 assumes facts not evidence, but you can answer if you</p> <p>16 know.</p> <p>17 A. Yes.</p> <p>18 Q. Is it also true that the champions, so to</p> <p>19 speak, the people who were pushing the redistricting</p> <p>20 effort in the Senate, were also the same senators that</p> <p>21 were pushing Senate Bill 14?</p> <p>22 MR. FREDERICK: Objection, assumes facts</p> <p>23 not in evidence. Object, vague. You can answer if you</p> <p>24 can.</p> <p>25 A. I really honestly didn't work on redistricting.</p> | <p style="text-align: center;">272</p> <p>1 Q. In other words, she didn't express an opinion</p> <p>2 on behalf of the Secretary of State as to whether or not</p> <p>3 Senate Bill 14 was a good idea?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Was there any effort by you to encourage</p> <p>6 Ms. McGeehan to get behind the bill in her testimony?</p> <p>7 MR. FREDERICK: Objection, legislative</p> <p>8 privilege. I would instruct you not to answer.</p> <p>9 A. I'll assert privilege.</p> <p>10 Q. (By Mr. Dunn) In your -- I'm going to do</p> <p>11 several questions. He's going to object, and you're</p> <p>12 going to answer, but I just want to get these out here.</p> <p>13 In your conversations with Ms. McGeehan,</p> <p>14 did you ask her to provide you data on election returns</p> <p>15 and how they might be impacted by the photo ID</p> <p>16 requirement?</p> <p>17 MR. FREDERICK: Objection, legislative</p> <p>18 privilege. I'll instruct you not to answer.</p> <p>19 A. I'll assert.</p> <p>20 Q. (By Mr. Dunn) Did you provide Ms. McGeehan any</p> <p>21 data or research that you had performed on the effect of</p> <p>22 the photo ID requirement on turnout?</p> <p>23 MR. FREDERICK: Objection, legislative</p> <p>24 privilege. I'll instruct you not to answer.</p> <p>25 A. I'll assert.</p> |

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| <p style="text-align: center;">273</p> <p>1 Q. (By Mr. Dunn) Did you request at any time that</p> <p>2 the Secretary of State's office prepare research or</p> <p>3 analysis on whether or not the photo ID requirement</p> <p>4 would have a disparate impact on minority citizens?</p> <p>5 MR. FREDERICK: Objection, legislative</p> <p>6 privilege. Instruct you not to answer.</p> <p>7 A. I'll assert.</p> <p>8 Q. (By Mr. Dunn) Are you aware -- this one ought</p> <p>9 to get past the bully here.</p> <p>10 Are you aware that the Secretary of</p> <p>11 State's office has data and computer staff that might be</p> <p>12 capable of performing an analysis about the impact of a</p> <p>13 particular legislation on minority citizens?</p> <p>14 A. I've seen the data that they prepared for the</p> <p>15 Department of Justice, so yes, I know that now.</p> <p>16 Q. You know that they are capable of doing that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. The data, though, that's been prepared for the</p> <p>19 Department of Justice, all that came about after Senate</p> <p>20 Bill 14 had been passed by legislature and signed by the</p> <p>21 Governor, true?</p> <p>22 A. True.</p> <p>23 Q. Other than the resource of the Secretary of</p> <p>24 State's office, are you familiar with any other</p> <p>25 organization that you had sort of access to that could</p> | <p style="text-align: center;">275</p> <p>1 MR. FREDERICK: To the extent you're</p> <p>2 asking her during -- during the development and passage</p> <p>3 of SB 14, what she thought at the time was available to</p> <p>4 her to perform specific subject matter, subject matter</p> <p>5 specific analysis, yes, I believe that's a thought,</p> <p>6 mental impression, that's protected by legislative</p> <p>7 privilege.</p> <p>8 Q. (By Mr. Dunn) Is it your opinion that this</p> <p>9 bill will not have the effect of discouraging even one</p> <p>10 voter?</p> <p>11 MR. FREDERICK: That's -- cautionary</p> <p>12 instruction, I mean, I think as phrased, to the extent</p> <p>13 the question seeks your opinion, as you sit here, you</p> <p>14 may answer.</p> <p>15 A. My opinion is that it will not impact one voter</p> <p>16 negatively.</p> <p>17 Q. (By Mr. Dunn) All right. If you could go with</p> <p>18 me to US-31. Right here on the top.</p> <p>19 A. Oh, yes.</p> <p>20 Q. I'd like to go with you to the last paragraph,</p> <p>21 and if I remember your testimony from earlier, you at</p> <p>22 least prepared the initial draft of 31; is that true?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. The first sentence of --</p> <p>25 A. The first phrase.</p> |
| <p style="text-align: center;">274</p> <p>1 have performed an analysis, what I would call an</p> <p>2 analytical analysis of whether or not Senate Bill 14</p> <p>3 would have disparate impact on minorities?</p> <p>4 MR. FREDERICK: I'll object on the basis</p> <p>5 of legislative privilege, only to the extent that it</p> <p>6 seeks thought process or mental impressions during the</p> <p>7 development and passage of SB 14, to the extent it --</p> <p>8 he's asking you as you sit here today, are you aware.</p> <p>9 Q. Let me fix the question.</p> <p>10 What resources other than Secretary of</p> <p>11 State did you have to consult about doing data type</p> <p>12 analysis on the effect of SB 14 on minorities?</p> <p>13 MR. FREDERICK: I'm sorry. Could you</p> <p>14 read -- read the question back, sir?</p> <p>15 (Requested portion read back by the court</p> <p>16 reporter.)</p> <p>17 MR. FREDERICK: I'm going to object on</p> <p>18 legislative privilege. I think that gets into thoughts</p> <p>19 and mental impressions. I'll instruct you not to</p> <p>20 answer.</p> <p>21 A. I'll assert.</p> <p>22 MR. DUNN: All right. And I just want to</p> <p>23 make sure. So she's not allowed to tell me what</p> <p>24 agencies or groups could have performed this analysis</p> <p>25 that she's aware of?</p> | <p style="text-align: center;">276</p> <p>1 Q. And I told you the last paragraph. I really</p> <p>2 meant the next to the last one that begins with "voting</p> <p>3 is"?</p> <p>4 A. Okay.</p> <p>5 Q. The sentence reads: "Voting is one of our most</p> <p>6 important rights as Americans, but it is also a</p> <p>7 responsibility." Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. In my reading, I don't understand, and I don't</p> <p>10 think it's defined in the writing here what it was meant</p> <p>11 be responsibility. Is there a sentence that informs</p> <p>12 what that phrase, "but it is also a responsibility," in</p> <p>13 this document?</p> <p>14 A. No, sir.</p> <p>15 Q. All right. So what is it that you meant, at</p> <p>16 least when you drafted this, about voting is a</p> <p>17 responsibility? I mean, why was that in here?</p> <p>18 MR. FREDERICK: I object on the basis of</p> <p>19 legislative privilege, to the extent that it seeks a</p> <p>20 thought or mental impression about pending legislation</p> <p>21 that goes -- that -- underlying a public statement. So</p> <p>22 I -- as phrased, I would instruct you not to answer the</p> <p>23 question.</p> <p>24 A. I'll assert.</p> <p>25 Q. (By Mr. Dunn) Do you believe that members who</p> |

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| <p style="text-align: center;">277</p> <p>1 don't have a significant population of minority citizens</p> <p>2 in their district still have to take care to make sure</p> <p>3 the minority citizens elsewhere in the state are</p> <p>4 protected under the law?</p> <p>5 A. Yes.</p> <p>6 Q. In other words, if there's a member that -- and</p> <p>7 I know this doesn't happen, but if there's a member that</p> <p>8 just represented 100 percent African-Americans, would it</p> <p>9 be fair for that member to just ignore the needs of</p> <p>10 Anglos and Latinos?</p> <p>11 A. No.</p> <p>12 Q. So when you prepare legislation or help Senator</p> <p>13 Fraser with legislation, do you consider it one of your</p> <p>14 responsibilities to make certain that that legislation</p> <p>15 doesn't have a disparate impact on minority citizens or</p> <p>16 majority citizens?</p> <p>17 MR. FREDERICK: Objection, legislative</p> <p>18 process. Instruct you not to answer.</p> <p>19 A. I'll assert.</p> <p>20 Q. (By Mr. Dunn) Is there any -- have there ever</p> <p>21 been situations where you've been working on bills where</p> <p>22 you believe there was a conflict in your duties under</p> <p>23 the state constitution and the federal constitution?</p> <p>24 MR. FREDERICK: Objection, legislative</p> <p>25 process privilege. Legislative privilege. Instruct you</p> | <p style="text-align: center;">279</p> <p>1 Fraser prepare legislation, do you have to consider how</p> <p>2 that legislation will interact with federal law?</p> <p>3 A. In some cases, yes.</p> <p>4 Q. And do you think the state is authorized to</p> <p>5 pass statutes that conflict with the federal law?</p> <p>6 MR. FREDERICK: Objection, relevance.</p> <p>7 Objection, legislative privilege, to the extent it seeks</p> <p>8 her opinion with respect to specific legislation. To</p> <p>9 the extent it just asks for your opinion, you can answer</p> <p>10 if you can.</p> <p>11 A. I don't think I have an opinion.</p> <p>12 Q. (By Mr. Dunn) All right. I'm going to switch</p> <p>13 gears on you now and go to the ID requirements</p> <p>14 themselves. You were asked some questions about</p> <p>15 nonphoto IDs?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And as I understand your testimony, without</p> <p>18 going through it all, but under current state law, a</p> <p>19 voter can arrive at the polling location without a photo</p> <p>20 ID and rely on some nonphoto IDs; is that right?</p> <p>21 A. That's my understanding, yes.</p> <p>22 Q. And some of those things are like utility</p> <p>23 bills, for example?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have an opinion as to whether or not a</p> |
| <p style="text-align: center;">278</p> <p>1 not to answer.</p> <p>2 A. I'll assert.</p> <p>3 Q. (By Mr. Dunn) Do you believe that federal law</p> <p>4 is supreme to state law?</p> <p>5 MR. FREDERICK: Objection, relevance.</p> <p>6 Objection, vague. I would also object on the basis of</p> <p>7 legislative privilege, to the extent it's asking for</p> <p>8 what she believes in her role as a role in the Senate.</p> <p>9 If he's asking for your opinion or belief as you sit</p> <p>10 here today, not based on confidential matters, you can</p> <p>11 answer if you can.</p> <p>12 A. I do -- I believe that the state -- that the</p> <p>13 federal government is not superior to the states.</p> <p>14 Q. (By Mr. Dunn) All right. And that's not what</p> <p>15 I thought my question was.</p> <p>16 A. Okay.</p> <p>17 Q. So, but I may have done a bad job of wording</p> <p>18 it.</p> <p>19 Really what I'm asking is, to the degree</p> <p>20 there's conflict between federal law and state law,</p> <p>21 which one controls, if one does?</p> <p>22 MR. FREDERICK: Objection, asks for legal</p> <p>23 opinion.</p> <p>24 A. I don't think I can answer that question.</p> <p>25 Q. (By Mr. Dunn) Well, as you helped Senator</p> | <p style="text-align: center;">280</p> <p>1 nonphoto ID is as effective as a photo ID in</p> <p>2 discouraging voter fraud?</p> <p>3 MR. FREDERICK: Just caution to the extent</p> <p>4 it asks for your opinion as you sit here today, based on</p> <p>5 nonprivileged matters, you can answer if you have an</p> <p>6 opinion.</p> <p>7 A. My opinion is the photo ID is a better</p> <p>8 mechanism to prevent fraud.</p> <p>9 Q. (By Mr. Dunn) Now, do you believe that photo</p> <p>10 identification can be sort of manufactured?</p> <p>11 MR. FREDERICK: Objection, vague. I'll</p> <p>12 caution you to the extent you can answer based on</p> <p>13 personal opinion, not based on privileged information,</p> <p>14 you may answer if you have an opinion.</p> <p>15 Q. (By Mr. Dunn) Have you ever heard of a fake</p> <p>16 ID?</p> <p>17 A. When I was in college, yes, sir.</p> <p>18 Q. All right. People had fake driver's license?</p> <p>19 A. A lot of people had fake driver's licenses,</p> <p>20 yes, sir.</p> <p>21 Q. And they would use them to go into bars and</p> <p>22 convince the bartender they were 21 and get an alcoholic</p> <p>23 beverage; is that right?</p> <p>24 A. Yes, sir. Back when we are younger, yes, sir.</p> <p>25 Q. You don't think people fake IDs any longer?</p> |

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| <p style="text-align: center;">281</p> <p>1 A. I think it's a lot harder to fake IDs these</p> <p>2 days.</p> <p>3 Q. What do you think makes it harder about faking</p> <p>4 IDs today?</p> <p>5 A. I think that the provisions of real ID -- the</p> <p>6 federal provisions of real IDs that Texas has enacted to</p> <p>7 make driver's licenses harder to fake make it harder.</p> <p>8 Q. Like, for example, a driver's license now have</p> <p>9 like a black light insignia; is that right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And there's other things that when you put the</p> <p>12 ID in a certain type of viewing device, you can see</p> <p>13 whether it's genuine; is that true?</p> <p>14 A. That's my understanding. Yes, sir.</p> <p>15 Q. And you see these devices at the airport, you</p> <p>16 know, occasionally at the bank; is that right?</p> <p>17 A. I haven't seen them at a bank but --</p> <p>18 Q. You've seen them at the airport?</p> <p>19 A. I don't know that I've seen them at an</p> <p>20 airport. I haven't flown in over three years.</p> <p>21 Q. With twins?</p> <p>22 A. Yes, sir.</p> <p>23 Q. All right. Well, was there ever any discussion</p> <p>24 about funding technology of polling locations that would</p> <p>25 allow the staff to determine whether or not a particular</p> | <p style="text-align: center;">283</p> <p>1 A. No.</p> <p>2 Q. Do you know why not?</p> <p>3 A. Why people didn't have discussions about that</p> <p>4 issue? No, sir.</p> <p>5 Q. Now, would you agree that nonphoto ID, if you</p> <p>6 required a number of them, might be accurate to confirm</p> <p>7 the identity of a voter?</p> <p>8 MR. FREDERICK: Objection, calls for</p> <p>9 speculation. Objection, vague. But you may answer.</p> <p>10 A. Nonphoto ID, a number of nonphoto ID could</p> <p>11 confirm the identity of someone, yes.</p> <p>12 Q. (By Mr. Dunn) Do you know why that wasn't</p> <p>13 included in the bill?</p> <p>14 MR. FREDERICK: Objection, legislative</p> <p>15 privilege. Instruct you not to answer.</p> <p>16 A. I'll assert privilege.</p> <p>17 Q. (By Mr. Dunn) Did you have any senators come</p> <p>18 to you and tell you or in your presence that they were</p> <p>19 voting against this bill but they really supported it?</p> <p>20 MR. FREDERICK: Objection, legislative</p> <p>21 privilege. To the extent that calls for communication</p> <p>22 between a senator and you, that would be privileged, and</p> <p>23 I instruct you not to reveal it.</p> <p>24 A. I'll assert.</p> <p>25 Q. (By Mr. Dunn) When was the last time you</p> |
| <p style="text-align: center;">282</p> <p>1 photo ID was genuine?</p> <p>2 MR. FREDERICK: Objection, legislative</p> <p>3 privilege. To the extent you can answer based on</p> <p>4 discussions on the Floor or any public statements or</p> <p>5 testimony, you may do so.</p> <p>6 A. I don't recall any public discussions about</p> <p>7 that --</p> <p>8 Q. (By Mr. Dunn) Was there any --</p> <p>9 A. -- issue.</p> <p>10 Q. Do you recall any private discussions without</p> <p>11 giving me the details?</p> <p>12 MR. FREDERICK: Objection, legislative</p> <p>13 privilege. Instruct you not to answer that.</p> <p>14 MR. DUNN: She doesn't even have to admit</p> <p>15 whether the discussion happened.</p> <p>16 MR. FREDERICK: I think with the lead up,</p> <p>17 I believe that the question implies the substance of a</p> <p>18 conversation. I'm not trying to prevent you from asking</p> <p>19 if a conversation ever took place, generally, but I</p> <p>20 think the subject matter was drawn too specifically to</p> <p>21 lead up.</p> <p>22 Q. (By Mr. Dunn) Are you aware of any</p> <p>23 conversations in the consideration of Senate Bill 14</p> <p>24 relating to technology at the polling location to</p> <p>25 determine the genuineness of a photo ID?</p> | <p style="text-align: center;">284</p> <p>1 renewed your driver's license? Ballpark. You don't</p> <p>2 need to look it up.</p> <p>3 A. I don't know.</p> <p>4 Q. Oh, okay. Has it been a while?</p> <p>5 A. It's been -- yeah. I think I'm due next year.</p> <p>6 Q. All right.</p> <p>7 A. So five or six years.</p> <p>8 Q. Do you use the private DPS office here</p> <p>9 available to Capitol staff members?</p> <p>10 A. I think I do it online.</p> <p>11 Q. Okay. Each time you do it, you do it online?</p> <p>12 A. The last time I renewed online. I think I</p> <p>13 renewed when I got married in 2006, or I went in 2006,</p> <p>14 because I had to actually show my marriage -- my new</p> <p>15 Social Security card. And since then, I've done it</p> <p>16 online if I had to do it. I guess, probably, I haven't</p> <p>17 had to do it since 2006.</p> <p>18 Q. Are you aware of there being a DPS office</p> <p>19 available for Capitol employees and state employees?</p> <p>20 A. If you're speaking of the office at 15th and</p> <p>21 Congress, I thought that was open to the public.</p> <p>22 Q. All right. Are you aware of an office that is</p> <p>23 open to the public but is not advertised to the public</p> <p>24 for DPS driver's license?</p> <p>25 A. I didn't know that it wasn't advertised.</p> |

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1 Q. Did you ever go to a DPS office for a driver's
2 license in the Clement's building?
3 A. No.
4 Q. So if there's an office that is available to
5 the public but isn't otherwise made known to the public
6 for obtaining a driver's license, you wouldn't know
7 about it?
8 A. That's correct.
9 (Recess from 6:20 to 6:23 p.m.)
10 MR. DUNN: I'm going to say the thing
11 today that you're going to be the most happy to hear:
12 There are no more questions for you.
13 THE WITNESS: Woo-hoo.
14 MR. DUNN: However -- there's my however
15 -- however, we join in the United States' position we're
16 leaving the deposition open, after the court rules on
17 some issues, and we may have to ask you more questions
18 later on.
19 THE WITNESS: Yes, sir.
20 MR. DUNN: Thank you for your time.
21 (Deposition concludes at 6:24 p.m.)
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1 CHANGES AND SIGNATURE
2 RE: TEXAS VS. HOLDER, ET AL
3 PAGE LINE CHANGE REASON
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19
20 I, JANICE MCCOY, have read the foregoing deposition
21 and hereby affix my signature that same is true and
22 correct, except as noted above.
23
24
25 JANICE MCCOY

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1 THE STATE OF _____)
2 COUNTY OF _____)
3
4 Before me, _____, on this day
5 personally appeared JANICE MCCOY, known to me (or proved
6 to me under oath or through _____
7 (description of identity card or other document) to be
8 the person whose name is subscribed to the foregoing
9 instrument and acknowledged to me that they executed the
10 same for the purposes and consideration therein
11 expressed.
12 Given under my hand and seal of office
13 this _____ day of _____, 2012.
14
15
16
17 NOTARY PUBLIC IN AND FOR
18 THE STATE OF _____
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3 STATE OF TEXAS,)
4 Plaintiff,)
5 VS.)
6 ERIC H. HOLDER, JR. in his)
7 official capacity as Attorney)
8 General of the United States,)
9 Defendant,)
10 ERIC KENNIE, et al,)
11 Defendant-Intervenors,)
12 TEXAS STATE CONFERENCE OF) CASE NO. 1:12-CV-00128
13 NAACP BRANCHES,) (RMC-DST-RLW)
14) Three-Judge Court
15 Defendant-Intervenors,)
16 TEXAS LEAGUE OF YOUNG VOTERS)
17 EDUCATION FUND, et al,)
18 Defendant-Intervenors,)
19 TEXAS LEGISLATIVE BLACK)
20 CAUCUS, et al,)
21 Defendant-Intervenors,)
22 VICTORIA RODRIGUEZ, et al.,)
23 Defendant-Intervenors,)
24 REPORTER'S CERTIFICATION
25 DEPOSITION OF JANICE MCCOY
MAY 16, 2012
I, Chris Carpenter, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:
That the witness, JANICE MCCOY, was duly sworn by

JANICE MCCOY

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1 the officer and that the transcript of the oral
2 deposition is a true record of the testimony given by
3 the witness;

4 That the deposition transcript was submitted on the
5 _____ day of _____, 2012, to the witness or to the
6 attorney for the witness for examination, signature and
7 return to _____, by
8 _____, 2012; and if returned, the original
9 transcript will be forwarded to Jennifer Maranzano, the
10 custodial attorney;

11 That the amount of time used by each party at the
12 deposition is as follows:

13 Ms. Maranzano: 5 hours, 28 minutes

14 Mr. Rosenberg: 1 hour, 6 minutes

15 I further certify that I am neither counsel for,
16 related to, nor employed by any of the parties or
17 attorneys in the action in which this proceeding was
18 taken, and further that I am not financially or
19 otherwise interested in the outcome of the action.

20 Certified to by me this 18th day of May, 2012.

21
22 _____
23 Chris Carpenter, Texas CSR 1151
24 Expiration Date: 12/31/2012
25 100 Congress Avenue, Suite 2000
Austin, TX 78701
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